## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

Thomas James Smith, Jr., #43303,	Case No.: 4:22-cv-01367-JD-TER
Plaintiff,	
vs.	OPINION & ORDER
Doctor Jewell, M.D., Nurse Cannon, Chief ) Rodney Hope, )	
Defendants. )	

This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III ("Report and Recommendation") (DE 15), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina. Thomas James Smith, Jr., #43303 ("Smith" or "Plaintiff"), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights by the named defendants and "insufficient medical care" following a fall from his top bunk. (DE 9, pp. 4, 5.)

On May 11, 2022, Plaintiff was informed via court order of deficiencies in his Complaint that would subject his Complaint to summary dismissal and was given an opportunity to file an Amended Complaint. (DE 6.) Plaintiff filed an Amended Complaint (DE 9); however, Plaintiff failed to cure the deficiencies.

U.S.C. § 636(b)(1).

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The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28

The instant Report and Recommendation was issued on May 25, 2022, recommending summary dismissal of this action because Plaintiff fails to state a claim upon which relief could be granted and failed to cure the deficiencies in the Complaint. Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that this action is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

Florence, South Carolina July 25, 2022

Joseph Dawson, III

United States District Judge

## NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.